

Regular Session, 2009

HOUSE BILL NO. 420

BY REPRESENTATIVE RICHARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 18:59(A), 103(A), 109, 115(A)(1) and (F)(2)(d), 151(B), 152(C)(1), 175, 196(A)(1), 423(E), 427(A), 428(A), (B), and (C), 431(B)(5), 433(A)(3), (B)(4), (G)(1) and (2)(introductory paragraph), (H)(1)(introductory paragraph), (I), and (J), 465(E)(1), 562(A)(2), 566.2(C), 1253(E), 1254(A) and (C), 1255(A), 1272(A), 1275.1(B), 1275.8, 1306(A)(2) and (3) and (B)(1), 1307(B)(2), 1308(C), 1309(A)(3), (B)(1), (C), (D)(1), (E)(2), (I), and (J), 1315(C)(2) and (3)(a), 1363(A), 1373, 1400.3(D), 1505.1(D), and 1505.2(H)(6)(a)(introductory paragraph), (Q)(3)(a)(ii), and (R)(3)(a)(ii), to enact R.S. 18:1253(F), 1254(E), 1309(K), and 1363(H), and to repeal R.S. 18:433(A)(2) and 1372, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to deputy registrars of voters; to provide relative to the registration of voters; to provide relative to changes in registrations; to provide relative to records used for the conduct of the registrar's office; to provide relative to the duties of registrars; to provide relative to reports and lists produced by the Department of State; to provide relative to the inactive list of voters; to provide relative to allocation of voting machines for precincts; to provide relative to parish boards of election supervisors; to provide relative to watchers; to provide relative to law enforcement officers; to provide relative to courses of instruction conducted by the clerk; to provide relative to election commissioners; to provide relative to

1 nominating petitions; to provide relative to procedures and requirements for voting;  
2 to provide relative to provisional voting; to provide relative to nominations for  
3 candidates for presidential electors; to provide relative to application for voting and  
4 voting absentee by mail; to provide relative to early voting; to provide relative to  
5 election expenses; to provide relative to congressional elections; to provide relative  
6 to early voting commissioners; to provide relative to challenges of absentee by mail  
7 and early voting ballots; to provide relative to the preparation and testing of voting  
8 machines; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:59(A), 103(A), 109, 115(A)(1) and (F)(2)(d), 151(B), 152(C)(1),  
11 175, 196(A)(1), 423(E), 427(A), 428(A), (B), and (C), 431(B)(5), 433(A)(3), (B)(4), (G)(1)  
12 and (2)(introductory paragraph), (H)(1)(introductory paragraph), (I), and (J), 465(E)(1),  
13 562(A)(2), 566.2(C), 1253(E), 1254(A) and (C), 1255(A), 1272(A), 1275.1(B), 1275.8,  
14 1306(A)(2) and (3) and (B)(1), 1307(B)(2), 1308(C), 1309(A)(3), (B)(1), (C), (D)(1), and  
15 (E)(2), 1400.3(D), 1505.1(D), and 1505.2(H)(6)(a)(introductory paragraph), (Q)(3)(a)(ii),  
16 and (R)(3)(a)(ii) are hereby amended and reenacted and R.S. 18:1253(F) and 1254(E) are  
17 hereby enacted to read as follows:

18 §59. Deputies, confidential assistants, and other permanent office employees;  
19 temporary employees; appointment and compensation

20 A. Except as otherwise provided by law and in conformity with applicable  
21 civil service laws, registrars may appoint deputies, confidential assistants, and other  
22 office employees. ~~Deputy registrars shall have the same qualifications as registrars.~~  
23 A deputy registrar shall be a qualified voter of the state of Louisiana. Each deputy  
24 shall take the constitutional oath of office. A confidential assistant may perform all  
25 the duties of a chief deputy if he meets the qualifications of a deputy.

26 \* \* \*

27 §103. Personal appearance of applicant required; exceptions

28 A. Except as otherwise specifically provided by law, any person who meets  
29 the qualifications for voter registration and desires to register as an elector shall  
30 apply to do so by making application in person to a registrar or deputy registrar of

1 the parish in which he seeks to register, by submission of the federal postcard  
2 application form as authorized in this Code, by application through the Department  
3 of Public Safety and Corrections, by application through designated voter  
4 registration agencies, or by mail using the national mail voter registration form as  
5 promulgated by the ~~Federal Election Commission~~ United States Election Assistance  
6 Commission, the state mail voter registration form, or a computer-generated form  
7 thereof containing the same requests for information as prescribed by R.S. 18:104  
8 or as contained on the ~~Federal Election Commission~~ national mail voter registration  
9 form.

10 \* \* \*

11 §109. Notice of registration and change in registration

12 After receiving from the registrar the information concerning a new registrant  
13 or the information concerning a change made with respect to the registration of any  
14 person, the ~~computer-center~~ Department of State promptly shall mail a notice to the  
15 appropriate registrar that the person is registered or that his registration has been  
16 changed. The registrar shall then mail a notice, postage prepaid, to each new  
17 registrant and to each person whose registration was changed in any manner a notice  
18 that he is registered or that his registration has been changed. The notice shall show  
19 the parish, ward, precinct, registration address, and party affiliation of the registrant.  
20 However, the registrar shall not be required to send such a notice to any voter who  
21 has been on the inactive list of voters for at least two years unless the change in  
22 registration involves a change in the voter's address. The secretary of state shall  
23 prescribe the form to be used on the notice; however, the front of the notice shall  
24 contain directions to the postmaster to "deliver only as addressed; otherwise return  
25 to sender; address correction requested", and the return address shall be that of the  
26 registrar. When a notice is returned by the postmaster, the registrar shall proceed in  
27 accordance with the applicable provisions of Part V of this Chapter.

28 \* \* \*

1           §115. Registration by mail

2                   A.(1) In addition to the national mail voter registration form promulgated by  
3           the ~~Federal Election Commission~~ United States Election Assistance Commission, the  
4           secretary of state shall design and distribute a state mail voter registration application  
5           form. The state mail voter registration form shall include the eligibility requirements  
6           for registration.

7                                   \*           \*           \*

8                   F.

9                                   \*           \*           \*

10                   (2) The provisions of Paragraph (1) of this Subsection shall not apply in the  
11           case of the following:

12                                   \*           \*           \*

13                   ~~(d)(i) The Legislature of Louisiana recognizes that due to a recent common~~  
14           ~~disaster and state of emergency in the state, an unprecedented number of persons~~  
15           ~~have been temporarily displaced from their parishes of residence for an indefinite~~  
16           ~~period of time. Because the right to vote is a right that is essential to the effective~~  
17           ~~operation of a democratic government, the legislature finds that the state has a~~  
18           ~~compelling interest in securing the right to vote for any person temporarily displaced~~  
19           ~~by a disaster or emergency who may experience greater difficulty exercising his right~~  
20           ~~due to his displaced status. The legislature, therefore, enacts this Subparagraph,~~  
21           ~~which shall apply to any person temporarily displaced from his parish of residence~~  
22           ~~by a gubernatorially declared state of emergency who registered to vote by mail on~~  
23           ~~or after October 5, 2004, but prior to September 25, 2005, when he submits with the~~  
24           ~~application to vote by mail an affidavit attesting that he is temporarily displaced from~~  
25           ~~his parish of residence due to a state of emergency which has been declared by the~~  
26           ~~governor, that he is eligible to vote in his parish of residence, and that he expects to~~  
27           ~~be out of his parish of registration during early voting and on election day. He shall~~  
28           ~~sign such affidavit before a notary public or two witnesses. If signed before two~~  
29           ~~witnesses, the witnesses shall also sign the affidavit and such affidavit shall be made~~

1        ~~under penalty of perjury for providing false or fraudulent information. The~~  
 2        ~~provisions of this Subparagraph shall be effective until July 16, 2006.~~

3                ~~(ii) When a person has submitted an application to vote absentee by mail~~  
 4        ~~pursuant to this Subparagraph, the registrar shall, prior to sending the absentee by~~  
 5        ~~mail ballot, contact the appropriate election official in the jurisdiction where the~~  
 6        ~~applicant has requested for his absentee by mail ballot to be sent and attempt to~~  
 7        ~~verify that the person has not registered to vote in that jurisdiction, or if such~~  
 8        ~~jurisdiction has a statewide voter registration database, in that state. If the registrar~~  
 9        ~~finds that the person has registered in that jurisdiction or state, the person shall not~~  
 10       ~~be permitted to vote absentee by mail and the registrar shall proceed in accordance~~  
 11       ~~with the applicable provisions of Part V of this Chapter.~~

12               ~~(iii) Upon expiration of the effectiveness of Item (i) of this Subparagraph,~~  
 13       ~~any voter who has voted absentee by mail pursuant to this Subparagraph who has not~~  
 14       ~~voted during early voting or at the polls on election day shall not be considered to~~  
 15       ~~have previously voted in the parish in which he is registered for purposes of~~  
 16       ~~Paragraph (1) of this Subsection and shall be subject to the requirements of that~~  
 17       ~~Paragraph. A person who is a program participant in the Louisiana Department of~~  
 18       ~~State Address Confidentiality Program pursuant to Part III of Chapter 1 of Title 44~~  
 19       ~~of the Louisiana Revised Statutes of 1950.~~

20                                \*           \*           \*

21        §151. Custody of records

22                                \*           \*           \*

23                B. The original application for registration or any of the registers, records,  
 24        files, books, and paraphernalia used for conduct of the registrar's office shall be  
 25        released, upon the request of the secretary of state, to the control and custody of the  
 26        secretary of state, or his designee, ~~for the sole purpose of scanning or, upon request~~  
 27        of the registrar, entering registration information into the state voter registration  
 28        computer system. The secretary of state shall be responsible for the preservation and

1 maintenance of all such materials released to him, or to his designee, until the  
2 materials have been returned to the control and custody of the registrar.

3 \* \* \*

4 §152. Required records

5 \* \* \*

6 C.(1) The ~~computer center~~ Department of State ~~will~~ shall provide each  
7 registrar with an updated registration list upon request by the registrar for office use.

8 \* \* \*

9 §175. Voting list from ~~computer center~~ Department of State

10 A. Whenever any authority that is authorized to do so calls an election in the  
11 parish, the registrar for that parish shall notify the ~~computer center~~ Department of  
12 State to supply him in duplicate both the official list and the inactive list of voters in  
13 his parish who are eligible to vote in the election. The request shall be made directly  
14 to the ~~official or public body in charge of the computer center~~ secretary of state, who  
15 shall furnish the list without delay.

16 B. Upon his request, the ~~computer center~~ Department of State shall furnish  
17 the registrar an error listing for the purpose of correcting his records.

18 C. Before any person may obtain a list of the registered voters, ~~in a computer~~  
19 ~~center~~ he shall obtain the consent of the secretary of state or of the registrar. He shall  
20 pay such actual cost therefor as may be imposed by the secretary of state.

21 D.(1) The secretary of state and the appropriate registrar of voters shall  
22 provide, without charge or remuneration, to a clerk of court at the clerk's request a  
23 complete and accurate annual list or computer tape from the ~~computer center~~  
24 Department of State containing the official list of registered voters in the parish of  
25 the clerk for the preparation of a general venire selection.

26 (2) The registrar of voters shall also provide to the clerk of court, without  
27 charge or remuneration, at the clerk's request, monthly updates to the official list of  
28 registered voters in the parish for use in maintaining the general venire.

29 \* \* \*

1           §196. Inactive list of voters; procedure for voting

2                   A.(1) In addition to the official list of voters, there shall be an inactive list  
3 of voters which shall consist of registrants who have been mailed an address  
4 confirmation card. The names of registrants on the inactive list of voters shall not  
5 be counted in computing the number of ballots required for an election, the number  
6 of voters required to divide or constitute a precinct, the number of signatures  
7 required on any petition, the number of commissioners at a precinct pursuant to R.S.  
8 18:425, or the number of registered voters necessary to recognize or determine the  
9 organization of a political party or committee.

10                                   \*           \*           \*

11           §423. Parish boards of election supervisors

12                                   \*           \*           \*

13                   E. Compensation. Each member of the parish board of election supervisors  
14 shall receive fifty dollars for each day, not to exceed six days, actually spent in the  
15 performance of his duties in preparing for and supervising each election held in the  
16 parish, except that each member of the board may be compensated for not more than  
17 seven days for a presidential or regularly scheduled congressional general election.

18 In addition, each member of the board who is not a public official shall receive fifty  
19 dollars for each day spent in court as a subpoenaed witness in litigation concerning  
20 the performance of his duties as a member of the parish board of election supervisors  
21 in connection with an election.

22                                   \*           \*           \*

23           §427. Watchers

24                   A. Qualifications. A qualified voter of the state of Louisiana who is not  
25 entitled to assistance in voting and is not a candidate in the election may serve as a  
26 watcher; ~~provided that~~ however, a watcher who is not a resident of the parish where  
27 he serves may not serve as a commissioner.

28                                   \*           \*           \*

1           §428. Law enforcement assistance to commissioners

2           A. Presence at polling places on election day. Law enforcement officers  
3 shall not be stationed at polling places on election day, but the commissioners may  
4 summon law enforcement officers to assist them in preserving order, enforcing the  
5 election laws, or protecting election officials from interference with the performance  
6 of their duties. Law enforcement officers shall not be eligible to serve as  
7 commissioners-in-charge, commissioners, alternate commissioners, or watchers.

8           B. Authority over law enforcement officers. A law enforcement officer at  
9 a polling place on election day is subject only to the orders of the commissioners at  
10 that polling place.

11           C. Duty of law enforcement officers. A law enforcement officer at a polling  
12 place on election day shall assist the commissioners in preserving order, enforcing  
13 the election laws, and protecting election officials from interference with the  
14 performance of their duties. A law enforcement officer shall not enter a polling  
15 place on election day except to vote or to enforce the orders of the commissioners,  
16 and a law enforcement officer shall not interfere with the conduct of the election, the  
17 voters, or the election officials.

18   \*           \*           \*

19           §431. Commissioners; courses of instruction; certificates; reports; list of certified  
20 persons furnished by parish board of election supervisors

21   \*           \*           \*

22           B.

23   \*           \*           \*

24           (5)(a) The clerk of court shall not be required to conduct the pre-election  
25 course of instruction provided for in this Subsection ~~B herein~~ if at least fourteen days  
26 prior to the election, the clerk of court mails a notice to each commissioner-in-  
27 charge, commissioner, and alternate commissioner who has been chosen for the  
28 election informing them that the course of instruction will not be conducted for the  
29 election. In such case, for purposes of compensation and replacement, the



commissioners from that parish shall be treated as though they had attended the pre-election course of instruction.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the clerk of court shall conduct at least one pre-election course of instruction provided for in this Subsection prior to a presidential or congressional general election.

\* \* \*

§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

A. Course of instruction.

\* \* \*

(3) During the week prior to the date scheduled for the course of instruction, the clerk shall notify each ~~applicant~~ commissioner of the date, time, and place where he will conduct the course of instruction. The course of instruction shall include but shall not necessarily be restricted to instruction in the operating of voting machines, relevant laws and regulations concerning the conduct of elections, and matters pertaining to the powers and duties of commissioners-in-charge. The clerk shall instruct the commissioners-in-charge that it is their duty to offer any voter who does not have picture identification as provided in R.S. 18:562(A) an affidavit to sign to that effect.

\* \* \*

B. Selection.

\* \* \*

(4) For any precinct in which no qualified person on the list resides, the parish board of election supervisors shall select a qualified person whose name is on the list and who resides in the ward in which the precinct is located. The selection shall be by drawing in the same manner as is provided in Paragraph (3) ~~above~~ of this Subsection.

\* \* \*

G. Replacement. (1) Except as provided in Subsection H ~~hereof~~ of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary or first party primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary or first party primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary or first party primary and general elections. Except as provided in Subsection H ~~hereof~~ of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a second party primary or a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a second party primary or a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the second party primary and the general election.

(2) The selection of a replacement commissioner-in-charge as required by Paragraph (1) ~~herein~~ of this Subsection shall be made promptly upon receipt by the board of the list prepared by the clerk of court of all persons who have successfully completed the course of instruction for a particular election. The replacement commissioner-in-charge shall be selected at random from the following categories in the order of priority listed:

\* \* \*

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G ~~herein~~ of this Section, a replacement commissioner-in-charge selected for a primary or first party primary election also shall serve for the second party primary and the general election. The replacement

commissioner-in-charge shall be selected from the following categories in the order of priority listed:

\* \* \*

I. The president, or in his absence or inability the secretary, of the parish board of election supervisors shall promptly issue a commission to a replacement commissioner-in-charge selected under the provisions of ~~Subsections~~ Subsection G or H ~~herein~~ of this Section. The commissioners present at the polling place shall administer the constitutional oath or affirmation to the replacement commissioners-in-charge.

J. A replacement commissioner-in-charge selected under the provisions of ~~Subsections~~ Subsection F, G, or H ~~herein~~ of this Section shall exercise the same powers, duties, and functions and shall receive the compensation of a commissioner-in-charge.

\* \* \*

§465. Nominating petitions

\* \* \*

E. Certification. (1)(a) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside. A nominating petition shall be submitted to the registrars in such parishes not less than thirty days before the qualifying period ends for candidates in the primary election or, in the case of presidential electors, in the presidential election, except that in a special election ~~the~~ a nominating petition shall be submitted by the candidate to the registrars of voters in ~~the~~ such parishes ~~where the signers reside~~ prior to the opening of the qualifying period.

(b) In the case of an election for which qualifying has been reopened pursuant to R.S. 18:469(A) after the death of a candidate, the nominating petition shall be submitted by the candidate during such qualifying period to the registrars of voters in the parishes where the signers reside ~~during such qualifying period~~.

\* \* \*

1           §562. Prerequisites to voting

2                   A. Identification of voters.

3                                   \*           \*           \*

4                   (2) Each applicant shall identify himself, in the presence and view of the  
5 bystanders, and present to the commissioners a Louisiana driver's license, a  
6 Louisiana special identification card issued pursuant to R.S. 40:1321, or other  
7 generally recognized picture identification card that contains the name,~~address~~, and  
8 signature of the applicant. If the applicant does not have a Louisiana driver's license,  
9 a Louisiana special identification card, or other generally recognized picture  
10 identification card that contains the name,~~address~~, and signature of the applicant, the  
11 applicant shall sign an affidavit, which is supplied by the secretary of state, to that  
12 effect before the commissioners who shall place the affidavit in the envelope marked  
13 "Registrar of Voters" and attach the envelope to the precinct register, and the  
14 applicant shall provide further identification by presenting his current registration  
15 certificate, giving his date of birth, or providing other information stated in the  
16 precinct register that is requested by the commissioners. However, an applicant that  
17 is allowed to vote without the picture identification required by this Paragraph is  
18 subject to challenge as provided in R.S. 18:565.

19                                   \*           \*           \*

20           §566.2. Tabulation and counting of provisional ballots for federal office

21                                   \*           \*           \*

22                   C. Provisional ballots shall be counted on the third day following the election  
23 and prior to the compilation of returns pursuant to R.S. 18:574 at the office of the  
24 registrar of voters or at a public facility within the parish designated by the parish  
25 board of election supervisors. For a presidential or regularly scheduled  
26 congressional general election, the provisional ballots may be counted on the third  
27 or fourth day, or both, following the election.

28                                   \*           \*           \*

§1253. Nominating by political parties; certificates of nomination

\* \* \*

E. If the nominees for the offices of president and vice president nominated by a national convention of a recognized political party, together with a slate of candidates for the offices of presidential electors to support such nominees, are not properly certified to the secretary of state by the state central committee of that party prior to 5:00 p.m. on the first Tuesday in September of each year in which a presidential election is to be held, the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to support such nominees ~~within seventy-two hours thereafter~~ by 5:00 p.m. on the first Friday following the first Tuesday in September.

Such certificate filed with the secretary of state shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination.

F. If the certificate of nomination and notarized affidavit of each candidate for elector are not filed timely with the secretary of state, the secretary of state shall endorse the date and time of receipt upon all documents and shall return them forthwith, either personally or by registered or certified mail, to the national chairman of the political party.

§1254. Slates of independent candidates; nominating petitions and qualifying by payment of qualifying fees

A. A slate of independent candidates for presidential elector may be nominated by nominating petition or may qualify by the payment of a qualifying fee of five hundred dollars. Such qualifying fee shall be paid in accordance with the provisions of R.S. 18:464(A). The period for filing such qualifying fee shall begin on the first Tuesday in August and shall end at ~~five o'clock~~ 5:00 p.m. on the first Friday following the first Tuesday in September of each year in which a presidential election is to be held. Each qualifying fee shall be accompanied by the notice of candidacy and notarized affidavit of each candidate for elector signifying his

1 acceptance of the nomination. An independent candidate for presidential elector may  
2 be registered to vote with or without a declaration of party affiliation.

3 \* \* \*

4 C. Nominating petitions for the office of presidential elector shall be in the  
5 form prescribed by R.S. 18:465(D), except that in lieu of including the recognized  
6 political party with which the candidates are affiliated, the petition shall contain, in  
7 not more than three words, the political principle which the candidates represent.  
8 Also, in lieu of the date of the primary election for which the candidates seek to  
9 qualify, the petition shall include the date of the general election. The petition also  
10 shall include the names of the candidate for president and the candidate for vice  
11 president whom the candidates for elector support; however, neither the candidate  
12 for president nor the candidate for vice president supported by the slate of candidates  
13 for electors shall be a candidate for that office supported by a recognized political  
14 party or by a slate of candidates for elector who have previously filed a nominating  
15 petition or qualified by the payment of a qualifying fee for that election. Each  
16 petition shall contain a full slate of candidates for elector, one from each  
17 congressional district and two from the state at large. In designating the office for  
18 which the candidate is nominated, the petition shall designate the particular office  
19 of presidential elector, that is, the district in which the candidate is a qualified elector  
20 if he is nominated for the office for that district, or the designation "At large" in the  
21 case of the two offices to be filled at large. Each nominating petition shall be  
22 accompanied by the notice of candidacy and notarized affidavit of each candidate for  
23 elector signifying that the certificate constitutes his acceptance of the nomination.

24 \* \* \*

25 E. If the notice of candidacy and notarized affidavit of each candidate for  
26 elector, together with the qualifying fee or a nominating petition, are not filed timely  
27 with the secretary of state, the secretary of state shall endorse the date and time of  
28 receipt upon all documents and shall return them forthwith, either personally or by  
29 registered or certified mail, to the candidate or the person who filed them.

1           §1255. Filing nominating petitions

2           A. All nominating petitions of presidential electors shall be filed with the  
3           secretary of state during the period beginning on the first Tuesday in August and  
4           ending at ~~five o'clock~~ 5:00 p.m. on the first Friday following the first Tuesday in  
5           September of each year in which a presidential election is to be held. The secretary  
6           of state shall endorse on the nominating petitions the date and time of filing. Any  
7           nominating petitions submitted other than during such period shall be null and void  
8           and shall not be accepted by the secretary of state.

9                               \*           \*           \*

10          §1272. United States senators; representatives in Congress; time of electing

11          A. All general elections for representatives in Congress, ~~sometimes referred~~  
12          ~~to in this Title as congressional elections,~~ shall be held on the first Tuesday next  
13          following the first Monday in November, 1982, and every two years thereafter. The  
14          first party and second party primary elections shall be held in accordance with the  
15          provisions of Chapter 5 of this Title.

16                               \*           \*           \*

17          §1275.1. Purpose and nature of congressional primary and general elections

18                               \*           \*           \*

19          B. Nature of congressional general elections. Each qualified voter of this  
20          state may vote on candidates for ~~the United States Congress and Senate~~ United States  
21          ~~senator and United States representative~~ in general elections without regard to the  
22          voter's party affiliation or lack thereof, and all candidates for such offices who  
23          qualify for a general election may be voted on without regard to the candidates' party  
24          affiliation or lack thereof.

25                               \*           \*           \*

26          §1275.8. Opening of qualifying period

27          The qualifying period for candidates in the first party primary election shall  
28          open for candidates in a congressional ~~or United States Senate~~ first party primary

election and those in any special first party primary election to be held at the same time, on the second Wednesday in July of the year of the election.

\* \* \*

§1306. Preparation and distribution of absentee by mail and early voting ballots

A.

\* \* \*

(2)(a) Each ballot shall have printed on its face instructions informing the voter of the types of marks which may be used on that ballot to indicate his vote. Depending on the type of ballot used in an election, one of the following marks may be used by a voter to indicate his vote:

~~(a)~~ (i) A cross [X] mark;

~~(b)~~ (ii) A check [T] mark;

~~(c)~~ (iii) A mark that is made by filling in the appropriate space or box; ~~or,~~

~~(d) A mark that is made by punching out the appropriate space or box.~~

(b) The instructions shall inform the voter that a combination of marks may not be used on the same ballot and that the use of more than one type of mark on the same ballot will result in that ballot being voided.

~~(3) Depending on the type of ballot used in an election, a A ballot shall be marked by the voter with a pencil containing black lead or with an instrument or device to punch out the appropriate space or box on the ballot. The, and the instructions printed on the face of the ballot shall inform the voter of the type of instruments that he shall use to mark his ballot~~ this requirement.

\* \* \*

B.(1) The secretary of state shall prepare absentee by mail and early voting ballot envelopes, early voting applications, absentee by mail and early voting instructions, certificates, and other absentee by mail and early voting balloting paraphernalia consistent with the provisions of this Chapter, subject to approval of the attorney general as to content. Notwithstanding the provisions of R.S. 18:1316 relating to distinguishing marks on absentee by mail and early voting ballots, absentee by mail voting instructions on absentee ballots to be transmitted by



facsimile in accordance with R.S. 18:1308(A)(1)(b) shall stipulate that the voter may mark his ballot with a cross (X) mark or a check [T] mark as provided in ~~Subparagraphs (A)(2)(a) and (b)~~ Items (A)(2)(a)(i) and (ii) of this Section. When a court of competent jurisdiction, a registrar of voters, the secretary of state, or other competent authority determines that there exists a literate linguistic minority equal to more than five percent of the total population of any parish, the secretary of state, with approval of the attorney general as to content, shall prepare and furnish absentee by mail and early voting ballots, absentee by mail and early voting instructions, and certificates in the minority language in sufficient quantity to provide to each absentee by mail and early voter requesting voting material in that language.

\* \* \*

### §1307. Application by mail

\* \* \*

B.

\* \* \*

(2) Except as provided in Subsections C and D of this Section and R.S. 18:1333(D)(2), an application must be received by the registrar not earlier than sixty days or later than ~~ninety-six hours before the close of the polls for~~ 4:30 p.m. on the fourth day prior to the election for which it is requested, and the date received shall be noted thereon. However, if the deadline falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day of the deadline.

\* \* \*

### §1308. Absentee voting by mail

\* \* \*

C. Except as provided in R.S. 18:1308.1(C) and 1311(D)(1) and (5), all ballots received by the registrar by 4:30 p.m. on the day before election day shall be counted.

\* \* \*

1           §1309. Early voting application and early voting

2                   A.

3                                   \*           \*           \*

4                   (3) A law enforcement officer shall not interfere with the conduct of the  
5 election, the voters, or the election officials. ~~A~~ However, a registrar may use law  
6 enforcement officers to maintain order at any location where early voting is  
7 conducted.

8                                   \*           \*           \*

9                   B.(1) For the purpose of facilitating early voting, the registrar may designate,  
10 in addition to the location for early voting provided in Subsection A ~~hereof~~ of this  
11 Section, one branch office wherein early voting may be conducted. Any such branch  
12 office shall be located in a public building, and the hours during which early voting  
13 may be conducted therein shall be fixed by the registrar as provided in Subsection  
14 A of this Section. However, if a branch office of a registrar is destroyed,  
15 inaccessible, or unsafe during or following a gubernatorially declared state of  
16 emergency, the registrar may utilize a temporary building as a branch office to  
17 discharge his duties until an office that meets the requirements of this Section  
18 becomes available. Such temporary office shall be located within the parish, or if  
19 there is no appropriate location within the parish due to the emergency, then in an  
20 immediately adjacent parish, or if there is no appropriate location in any immediately  
21 adjacent parish due to the emergency, then in the nearest parish in which there is an  
22 appropriate location.

23                                   \*           \*           \*

24                   C. In parishes which extend in one direction more than fifty miles and which  
25 are interspersed with navigable waters, the registrar may designate, in addition to the  
26 locations for early voting provided for in Subsections A and B ~~hereof~~ of this Section,  
27 one additional branch office wherein early voting may be conducted. Any such  
28 branch office shall be located in a public building and the hours during which early  
29 voting may be conducted therein shall be fixed by the registrar.

1           D.(1) Before any voter is allowed to vote during early voting, the registrar  
2           or his deputy shall establish the voter's identity by requiring him to submit a  
3           Louisiana driver's license, a Louisiana special identification card issued pursuant to  
4           R.S. 40:1321, or other generally recognized picture identification card that contains  
5           the name,~~address~~, and signature of the voter. If the voter does not have a Louisiana  
6           driver's license, a Louisiana special identification card, or other generally recognized  
7           picture identification card that contains the name,~~address~~, and signature of the voter,  
8           the voter shall sign, in the presence of the registrar or his deputy, an affidavit to that  
9           effect provided by the secretary of state. The registrar or his deputy shall retain the  
10          affidavit in the office of the registrar of voters, and the voter shall provide further  
11          identification by presenting his current registration certificate, giving his date of  
12          birth, or providing to the registrar or his deputy, upon request, other information  
13          regarding the voter contained in the precinct register. A voter who votes without the  
14          picture identification required by this Paragraph is subject to challenge as provided  
15          in R.S. 18:1315.

16                                   \*       \*       \*

17           E.

18                                   \*       \*       \*

19           ~~(2) Except as otherwise provided in this Paragraph, the voter shall sign the~~  
20           ~~precinct register prior to voting. If the voter is voting at a branch office as provided~~  
21           ~~in Subsection B of this Section, he shall be required to sign and date a list kept by the~~  
22           ~~registrar prior to casting his vote. The voter shall sign or make his mark in the~~  
23           ~~precinct register or list kept by the registrar prior to voting.~~

24                                   \*       \*       \*

25          §1400.3. Election expenses incurred by clerks of court and registrars of voters;  
26          payment by secretary of state; payment by governing authorities

27                                   \*       \*       \*

28           D. For the purposes of this Section, "election expenses incurred by registrars  
29          of voters" is defined and limited to the following:

(1) Expenses incurred by a registrar of voters to pay for one or more temporary part-time clerical employees to perform election duties and responsibilities associated with his office as provided in this Title. Such employees shall be paid at an hourly rate established by the registrar not to exceed that of the minimum pay rate associated with pay level 607 in the Administrative Schedule as specified in the classification and pay plan of the Louisiana Department of Civil Service.

(2) Expenses incurred by a registrar of voters to pay a permanent employee below the level of chief deputy and confidential assistant to perform election duties and responsibilities associated with his office during other than normal hours of operation of his office.

(3) Expenses incurred by a registrar of voters to pay postage for absentee by mail ballots.

(4) Expenses of an extraordinary nature incurred by a registrar of voters for an election which have received prior approval of the secretary of state.

(4) (5) Expenses incurred by a registrar of voters to pay for law enforcement officers to maintain order during early voting.

\* \* \*

§1505.1. Failure to submit report; failure to file report timely or properly

\* \* \*

D. Failure to properly submit statements in accordance with R.S. 18:1491.1(E) shall constitute a violation of this Chapter.

## §1505.2. Contributions; expenditures; certain prohibitions and limitations

\* \* \*

H.

\* \* \*

(6)(a) For purposes of this Subsection, "loan" shall not include any loan of money by a state bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, ~~Federal Savings and Loan Insurance Corporation~~, or the

~~Federal Credit Union Administration~~ National Credit Union Administration, any licensed lender under the Louisiana Consumer Credit Law, or an insurance company, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan:

\* \* \*

Q.

\* \* \*

(3)(a)

\* \* \*

(ii) The provisions of this Subsection shall not prohibit a legislator from obtaining a loan for his own campaign from a state bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, ~~Federal Savings and Loan Insurance Corporation~~, or the ~~Federal Credit Union Administration~~ National Credit Union Administration, any licensed lender under the Louisiana Consumer Credit Law, or an insurance company, made in accordance with applicable law and in the ordinary course of business, provided that the legislator is the sole endorser or guarantor of the loan and that the loan is made on a basis which assures repayment evidenced by a written instrument, is subject to a due date or amortization schedule, and bears the usual and customary interest rate of the lending institution.

\* \* \*

R.

\* \* \*

(3)(a)

\* \* \*

(ii) The provisions of this Subsection shall not prohibit the governor from obtaining a loan for his own campaign from a state bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan

Insurance Corporation, or the ~~Federal Credit Union Administration~~ National Credit Union Administration, any licensed lender under the Louisiana Consumer Credit Law, or an insurance company, made in accordance with applicable law and in the ordinary course of business, provided that the governor is the sole endorser or guarantor of the loan and that the loan is made on a basis which assures repayment evidenced by a written instrument, is subject to a due date or amortization schedule, and bears the usual and customary interest rate of the lending institution.

\* \* \*

Section 2. R.S. 18:196(A)(1), 1309(I) and (J), 1315(C)(2) and (3)(a), 1363(A), and 1373 are hereby amended and reenacted and R.S. 18:1309(K) and 1363(H) are hereby enacted to read as follows:

§196. Inactive list of voters; procedure for voting

A.(1) In addition to the official list of voters, there shall be an inactive list of voters which shall consist of registrants who have been mailed an address confirmation card. The names of registrants on the inactive list of voters shall not be counted in computing the number of ballots required for an election, the number of voters required to divide or constitute a precinct, the number of signatures required on any petition, the number of commissioners at a precinct pursuant to R.S. 18:425, the number of voting machines to be allocated and used in each voting precinct pursuant to R.S. 18:1363, or the number of registered voters necessary to recognize or determine the organization of a political party or committee.

\* \* \*

§1309. Early voting application and early voting

\* \* \*

I. Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected ~~in accordance with Subpart B of Part II of Chapter 5 of the Louisiana Election Code~~ and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A

commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. 18:426.1(3) for each day of such assistance.

J. (1) Only a certified commissioner may be selected to serve as an early voting commissioner.

(2) A person to whom one or more of the following applies shall not serve as an early voting commissioner:

(a) The person is a candidate in the election.

(b) An immediate family member of the person is a candidate for election to public office in the election.

(c) The person is marked for assistance in voting in the precinct register or requires the use of the audio ballot in voting.

(d) The person has been convicted of an election offense enumerated in Chapter 10 of this Title.

K. During early voting the registrar of voters shall make available to the public at each location where early voting is conducted copies of the state mail voter registration application forms.

\* \* \*

§1315. Challenge of absentee by mail or early voting ballot

\* \* \*

C.

\* \* \*

(2) If a challenge in accordance with the provisions of Subsection A of this Section is sustained, the vote shall not be counted, the ballot or early voting application shall be placed in the special absentee by mail and early voting ballot envelope, and the board shall notify the voter in writing of the challenge and the cause therefor. This notification shall be on a form provided by the secretary of state and shall be signed by at least a majority of the members of the board. The notice of the challenge and the cause therefor shall be given within three days by certified mail, return receipt requested, addressed to the voter at his place of residence. The board shall retain a copy of the notification. However, if the challenge is based upon

1 a change of residence within the parish or is based upon a change of residence  
2 outside the parish that has occurred within the last three months, the ballot shall be  
3 counted provided that the voter confirmed his current address as shown by the  
4 affidavit of the absentee by mail or early voting ballot envelope flap or early voting  
5 application or, if the voter is on the inactive list of voters, as shown by the  
6 information provided on an address confirmation card.

7 (3)(a) If a challenge in accordance with the provisions of Subsection B of  
8 this Section is sustained, the vote shall not be counted, the board shall write  
9 "rejected" and the cause therefor across the ballot envelope or early voting  
10 application, and shall place the ballots and early voting applications so rejected in  
11 the special absentee by mail and early voting ballot envelope. The board shall notify  
12 the voter in writing of the challenge and the cause therefor. The notification shall  
13 be on a form provided by the secretary of state and shall be signed by at least a  
14 majority of the members of the board. The notice of the challenge and the cause  
15 therefor shall be given within three days by mail addressed to the voter at his place  
16 of residence. The board shall retain a copy of the notification.

17 \* \* \*

18 §1363. Number of machines; allocation to precincts; exception; reserve machines

19 A. In determining the number of voting machines to be purchased and  
20 allocated for each voting precinct in each parish or municipality, the minimum  
21 number to be allocated shall be as follows:

22 (1) One machine for each precinct where ~~six~~ three hundred or less voters  
23 were registered to vote ~~at the last general~~ thirty days prior to the election.

24 (2) Two machines for each precinct where more than ~~six~~ three hundred but  
25 not more than one thousand voters were registered to vote ~~at the last general~~ thirty  
26 days prior to the election.

27 (3) Three machines for each precinct where more than one thousand voters  
28 but not more than fourteen hundred voters were registered to vote ~~at the last general~~  
29 thirty days prior to the election.



(4) Four machines for each precinct where more than fourteen hundred voters were registered to vote ~~at the last general~~ thirty days prior to the election.

\* \* \*

H. The parish board of election supervisors may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, to reduce the number of voting machines to be allocated and used in an election other than an election provided for in Subsection B or D of this Section. The written request shall include the proposed reduced number of voting machines and an explanation of the need for the reduction in the number of voting machines. If the secretary of state determines that the reduction in the number of voting machines is feasible, he may reduce the number of voting machines.

\* \* \*

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines

A.(1) The secretary of state shall notify each parish custodian of the time and place at which he will begin preparing and testing the voting machines for an election. The parish custodian then shall mail a notice to each candidate in the election, stating the time and place at which ~~he will begin~~ the preparation and testing of the machines ~~for sealing~~ will be conducted, the time and place when the machines will be sealed, and stating that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines ~~for sealing~~ by the parish custodian.

(2) The secretary of state shall prepare the voting machines for the election by placing them in order, inserting the proper ballots, and testing and adjusting the voting machines for the election. A test vote report shall be produced by each machine. In preparing the machines, the secretary of state shall lock out against use on each machine those vote indicators or devices that are not to be used at the election. In preparing and adjusting machines, the secretary of state shall use the mechanics and technicians authorized by R.S. 18:1353.

1           (3) Each candidate or his representative shall be afforded a reasonable  
2           opportunity to inspect and review the test vote of the machines to see that they are  
3           in the proper condition for use in the election, which shall not be less than thirty  
4           minutes beginning at the time designated by the parish custodian to ~~begin preparation~~  
5           of seal the machines ~~for sealing~~.

6           (4) ~~However, no~~ No candidate, representative, or citizen shall interfere with  
7           the secretary of state or any employee or technician or assume any of their duties  
8           during the preparation and testing of the voting machines. Each candidate or  
9           representative shall identify to the ~~commissioner of elections~~ secretary of state and  
10          parish custodian the candidate whom he is representing. In addition, any citizen of  
11          this state may be present to observe the preparation, testing, and sealing of the  
12          machines by the parish custodian and shall be afforded an opportunity to inspect and  
13          review the test vote report of the machines ~~to see that they are in proper condition~~  
14          ~~for use in the election~~.

15          (2) (5) After the machines have been prepared and tested by the secretary of  
16          state and examined by each candidate, or representative, or citizen who is present,  
17          the parish custodian shall enclose the registration books or lists and other  
18          paraphernalia and shall forthwith seal each machine with a numbered seal. At that  
19          time, the parish custodian, in the presence of the candidates, or their representatives,  
20          and any citizens who are present, shall certify to the numbers of the machines, that  
21          all of the public, candidate and question counters are set at zero, and as to the number  
22          registered on the protective counter of the machine.

23          B. After each voting machine has been properly secured, ~~and~~ sealed, and  
24          locked, the keys, if applicable, shall be placed in the key envelope on which shall be  
25          written the precinct number and the assigned precinct location of the voting machine,  
26          the number of the seal, and the number registered on the protective counter or device.  
27          The envelope shall be sealed in the presence of the candidates or their representatives  
28          then present and shall be held by the parish custodian or his representative until  
29          turned over for delivery to the election commissioners at the polling place on  
30          election day.

- 1                   C. The preparation, testing, inspection, ~~and~~ sealing, and locking of the  
2                   machines and all duties required ~~by R.S. 18:1372 and R.S. 18:1373(A) and (B)~~  
3                   pursuant to this Part shall be completed ~~not~~ as scheduled by the secretary of state and  
4                   the parish custodian, but in no case later than thirty-six hours prior to the time fixed  
5                   by law for the opening of the polls.
- 6                   Section 3. R.S. 18:433(A)(2) is hereby repealed in its entirety.
- 7                   Section 4. R.S. 18:1372 is hereby repealed in its entirety.
- 8                   Section 5. Sections 2 and 4 of this Act shall become effective January 1, 2010.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_